

TELLURIDE WATCH
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Federal, State Agencies File Legal Action to Clean Up Rico Mine Pollution

EPA Official: 'A Very Significant Case'

By Elizabeth Covington

The Environmental Protection Agency and the Colorado Department of Public Health have joined in filing a federal action against owners of two mine tunnels, Rico Development Corporation (RDC), Wayne Webster and Virginia Sell, near Rico that are allegedly discharging heavy metals into Silver Creek and the Dolores River.

According to the complaint the Blaine Tunnel and the St. Louis Tunnel, each part of the Rico Argentine Mine and located north of Rico, have been discharging silver, lead, cadmium, zinc and copper in excess of permit limits at least since June 1993. Additionally, from September 1994 to January 1999 defendants allegedly failed to submit discharge monitoring reports, as required under the permit.

EPA and CDPH are seeking injunctive relief requiring the mine owners to stop making unauthorized discharges from the tunnels. The government agencies are also seeking monetary penalties.

Although the lawsuit was filed this past summer, the defendants have yet to file an answer. The court has granted at least one motion to stay proceedings for 60 days in an effort to allow the parties time to attempt to reach a settlement.

"We have had several meetings and the talks have been productive," said EPA Environmental Engineer Monica Heimdal who is technical consultant to the project.

"What is coming out of the Blaine Tunnel is the really bad stuff," said Rico Town Manager and Attorney Eric Heil. "It is the equivalent of battery acid."

The complaint states that RDC purchased the St. Louis and Blaine Tunnels from Anaconda Minerals Company in June 1988. At that point, Anaconda held a state water discharge permit.

The Blaine Tunnel is located on Silver Creek, a tributary of the Dolores River, and was part of the Rico Argentine mill there. In past years discharge from the tunnel was blocked by a concrete barrier, which prevented heavy-metal laden discharge from reaching Silver Creek and re-directed the discharge so that it exited the complex system of mine tunnels via the St. Louis Tunnel, according to Heil.

There, a simple water treatment plant, a combination of lime and settling ponds, removed heavy metals from the water and piped the cleaner water into the Dolores River.

Under the permit, RDC was required to operate the water treatment system. However, the permit did not cover the Blaine Tunnel, because the barrier redirected polluted discharge to the St. Louis Tunnel and the treatment plant.

The diversion point for Rico drinking water is on Silver Creek above the point where the Blaine Tunnel is now draining into the creek.

Rico has several major concerns, Heil said. The first is to understand the level of pollution entering the river and what effect it might have on the river's aquatic system. The town also wants to reach an interim and long-term, maintenance solution for the treatment plant. Heil said he would also like to see the state and federal agencies act quickly in order to avoid further damage to the creek and river.

Heil's concerns about a need for immediate action are echoed by Rico resident and town board member Peter Carter: "At the Blaine Tunnel discharge Silver Creek is totally dead for an undetermined length," Carter wrote in a July 1999 letter to EPA attorney Elyana Sutin. "These sources of clean water demand a more immediate action, I would recommend that the clean up or at least temporary remedial action takes place ASAP to avoid any further damage."

According to Heimdal, the lawsuit relating to the Blaine and St. Louis Tunnels is "a very significant case. It has a history of enforcement actions and in 1997 EPA and the state department of health agreed to work together on this matter."

Defendants' attorney David Sell could not be reached for comment.

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